



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLR:LDM:TYH
F. #2003R01830

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 14, 2016

By ECF and Interoffice Mail

The Honorable Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. All Assets Listed on Schedule I Attached Hereto and All
Proceeds Traceable Thereto, No. CV-10-4750 (EDNY)(JS))(AKT)

Dear Judge Seybert:

The government respectfully requests that the stay in the above-referenced civil forfeiture action be lifted. As the Court is aware, in this action the government seeks the forfeiture of assets (the “defendant assets”) that were seized from defendant David Brooks in connection with the related criminal action, United States v. Brooks et al., 06-CR-0550 (JS)(AKT) (the “Criminal Action”). In both the forfeiture ancillary proceeding of the Criminal Action and in this action, claimants, including Terry, Andrew, Victoria and Elizabeth Brooks as well as entities owned by them, have asserted an ownership interest in the defendant assets. Previously, the parties were engaged in discovery as to these claims in the forfeiture ancillary proceeding in the Criminal Action. Meanwhile, in this action the government and claimants to the defendant assets entered into a Stipulation to Stay Proceeding (“Stipulation”), which the Court approved on August 5, 2015. (Dckt. No. 71). The Stipulation provides that, given defendant Brooks’s pending appeal in the Criminal Action, and the “substantial overlap of the assets at issue in the criminal and civil forfeiture proceedings and restitution proceedings,” this action would be stayed until 30 days after the disposition of the appeals in the Criminal Action. The Stipulation further provides that “any party [may] move the Court on its own to lift the Stay at any time.”

Counsel for defendant Brooks, Richard C. Klugh, Esq., recently advised the U.S. Court of Appeals for the Second Circuit that defendant Brooks died on October 27, 2016. Mr. Klugh has also moved to vacate defendant Brooks’s conviction, sentence, and other orders entered by the district court, including but not limited to those concerning forfeiture and restitution.

In light of the foregoing, and pursuant to the Stipulation, the government respectfully requests that the stay in this action be lifted so that the parties can continue with discovery previously conducted in the Criminal Action as to the claims to the defendant assets.

Respectfully submitted,

ROBERT L. CAPERS
United States Attorney

By: /s/
Laura D. Mantell
Tanya Y. Hill
Assistant U.S. Attorneys
(718) 254-6253/6144

cc: All Counsel of Record (by ECF)